

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIREE PURVENAS HAYES,	:	CIVIL ACTION
	:	NO. 22-2277
Plaintiff,	:	
	:	
v.	:	
	:	
SALTZ, MONGELUZZI & BENDESKY,	:	
P.C., et al.	:	
	:	
Defendants	:	

O R D E R

AND NOW, this **6th** day of **October, 2022**, after considering Defendants' Partial Motion to Dismiss Plaintiff's Amended Complaint [ECF No. 12], Plaintiff's Response in Opposition to Defendants' Partial Motion to Dismiss [ECF No. 15], and after a hearing on the record, it is hereby **ORDERED** that Defendants' Partial Motion to Dismiss the Amended Complaint is **GRANTED**. Counts II and V by Plaintiff against Defendants are **DISMISSED WITHOUT PREJUDICE**.

It is **FUTHER ORDERED** that Plaintiff is granted leave to file a second amended complaint or a statement that she plains to stand on her amended complaint by **November 7, 2022**. Failure to act by **November 7, 2022**, will be deemed a decision by Plaintiff that she wishes to stand on her amended complaint.

If Plaintiff advises the court that she will stand on her amended complaint or fails to so respond by **October 13,**

2022, the Court will dismiss Counts II and V of her amended complaint with prejudice due to Plaintiff's failure to state a claim upon which relief can be granted. The submission of a Joint Rule 26(f) Report and scheduling of a Rule 16 conference shall await further order of the Court.

It is **FURTHER ORDERED** that the Clerk of Court is directed to remove this matter from the Eligible for Arbitration (ELARB) Track and place it on the Standard Case Management Track.

AND IT IS SO ORDERED.

Eduardo C. Robreno

EDUARDO C. ROBRENO, J.